

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PETER JOSHUA LABRECK,

Plaintiff,

Case No. 11-11328

v.

Hon. John Corbett O'Meara

PAUL ANTHONY ESPOSITO, *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFF'S
MOTION FOR RECONSIDERATION**

On May 12, 2011, the court granted Plaintiff's application to proceed *in forma pauperis* and dismissed his complaint. Plaintiff, who is proceeding pro se, seeks reconsideration of the court's order. The court dismissed Plaintiff's complaint because he failed to allege state action in support of his § 1983 claim. Plaintiff seeks to amend his complaint to add state actors as defendants and clarify his allegations. In light of Plaintiff's pro se status and a preference for determining cases on the merits, the court finds that it is in the interests of justice to set aside the judgment and permit Plaintiff to amend his complaint.

Therefore, IT IS HEREBY ORDERED that the order dismissing Plaintiff's case and the judgment are VACATED. Plaintiff shall file an amended complaint within thirty (30) days.

s/John Corbett O'Meara
United States District Judge

Date: October 28, 2011

I hereby certify that a copy of the foregoing document was served upon Plaintiff on this date, October 31, 2011, at FCI Milan, P.O. Box 1000, Milan, Michigan 48160 by first-class U.S. mail.

s/William Barkholz
Case Manager